

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BRANDY FOWLER,)	
)	
Plaintiff,)	Cause No.:
)	
v.)	Division:
)	
UNITED STATES OF AMERICA,)	
Serve At: Sayler A. Fleming)	
U.S. Attorney for Eastern District of MO)	
111 S. 10 th St. #20.333)	
St. Louis, MO 63102)	
)	
Defendant.)	

COMPLAINT

COMES NOW Plaintiff, Brandy Fowler, by and through her undersigned attorney, and states the following for her Complaint against Defendant United States of America:

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. §2671 et seq.
This Court has jurisdiction under 28 U.S.C. §1346.

2. Venue is appropriate in this judicial district because the events which gave rise to this Complaint occurred within this District.

3. At all times of the events which gave rise to this Complaint, Plaintiff Brandy Fowler was and is a citizen of the United States who resides in St. Louis, State of Missouri.

4. At all times of the events which gave rise to this Complaint, Byron McElroy was an agent and employee of the United States Postal Service which is an administrative agency for the United States of America.

5. On or about January 10, 2024, Plaintiff was stopped at a red light on westbound Watson Road at Rock Hill Road in St. Louis, Missouri.

6. At that same date and time, Byron McElroy was driving a 1993 Grumman Allied Industries, Inc. truck for the United States Postal Service when he also approached the same red light traffic signal as the Plaintiff. Byron McElroy attempted to pass the bus driven by the Plaintiff, causing a collision.

7. Plaintiff sustained injuries in the collision.

8. Mr. McElroy was acting in an official capacity on behalf of the United States Postal Service in the delivery of United States mail at the time of the crash.

9. Defendant, acting through its agent and employee, Byron McElroy, was negligent in one or more of the following ways:

- a) Failure to keep a careful lookout;
- b) Failure to maintain control of his vehicle;
- c) Failure to pay attention to the vehicles in the roadway in front of him; and
- d) Failure to stop or swerve to avoid striking Plaintiff's vehicle.

10. As a direct and proximate result of the negligence and carelessness of Byron McElroy, acting as agent in his official capacity for the United States of America, Plaintiff was injured and suffered damages, including injuries to Plaintiff's head, neck, left shoulder, back and right leg.

11. As a direct and proximate result of the negligence and carelessness of Byron McElroy, acting as agent in his official capacity for the United States of America, the Plaintiff has incurred reasonable and necessary medical expenses in the amount of \$12,538.00.

12. As a direct and proximate result of the negligence and carelessness of Byron McElroy, acting as agent in his official capacity for the United States of America, Plaintiff has sustained economic and non-economic damages in the amount of \$50,000.

13. Form 95 – Claim for Injury constituting notice of this claim was properly submitted to the United States Postal Service in March 2024.

WHEREFORE, Plaintiff Brandy Fowler prays for judgment against Defendant, United States of America, for her damages in the amount of \$50,000.00, for pre-judgment interest, costs incurred herein and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

SAUTER SULLIVAN, LLC

By: /s/ Kevin A. Sullivan
Kevin A. Sullivan, #40735
Counsel for Plaintiff
3415 Hampton Avenue
St. Louis, MO 63139
Tel: 314-768-6800
Fax: 314-781-2726
E-mail: ksullivan@ss-law.net